

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, November 4, 2013 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston, Tim Potts, Kelly Vasknetz, and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve the agenda.

### Announcements:

- Mayor Carstensen reported that a letter was received from Meade 46-1 thanking the City of Sturgis for the cleanup efforts at Woodle Field.
- The City wants to thank the Boy Scouts, the Cadets, the Red Cross, the Southern Baptists and the local Church Youth Groups for their efforts in cleanup during this disaster. A complete list of volunteers will be compiled at a later date.
- Councilor Hersrud wanted to thank the young people that helped at Exit 32 to unload branches from people's vehicles.
- Councilor Bestgen heard from two people thanking the City for opening up the two areas for tree branch drop-off.

### City Manager Ainslie reported:

- Sales tax update for the end of October 2013-General Sales Tax and Capital Improvement were down 17.9% and the Gross Receipts Tax (triple B) was down 24.4%. Year to date totals for General Sales Tax and Capital Improvement are up 7.00% with the Gross Receipts Tax (triple B) is up 3.3%.
- The Governor declared the Atlas Storm a disaster on Friday. It will now go to the Federal Government and the President could act upon the declaration in two weeks or two months or even longer. In two or three weeks a group from FEMA will be here to help us document our true costs. The Federal Government could reimburse us up to 75% and the State could reimburse up to 10%. There is no guarantee on how much we might receive.

Motion by Waterland, second by Potts and carried with all members present voting yes to approve the following items on the consent calendar:

1. Consider approval of the minutes from the October 21, 2013 regular council meeting.
2. Consider approval to set a public hearing on November 18, 2013 for a Special Events License for the Loud American at the Sturgis Armory on March 8, 2014 for a wedding party.
3. Consider approval to set a public hearing on December 2, 2013 for a Special Events License for Sturgis Strikers at the Sturgis Armory on December 5, 2013 for the City Christmas Party.

Motion by Anderson, second by Hersrud and carried with all members present voting yes to approve the following claims with the exception of **General-** Anderson Construction, \$2938.78, other; **Sanitary Service-** Hersrud Co, \$1124.28, repair; and to add **General-**Scott Peterson Motors, \$6000.00, other:

**Wages** – Ambulance \$24,098.76; Attorney \$2884.62; Buildings \$2298.14; Cemetery \$1993.17; City Manager \$4366.98; Community Center \$8956.51; Finance Office \$8845.86; Fire Department \$1715.49; Human Resource \$2171.81; Library \$7969.77; Liquor \$3996.49; Mayor and Council \$3333.27; Parks \$15,860.82; Planning & Permitting \$3951.45; Police \$34,704.78; Rally \$3271.40; Recreation \$2735.73; Sanitary Service \$13,881.76; Streets \$12,604.20; Wastewater \$9816.76; Water \$16,498.23; Federal Withholding \$19,740.52; FICA \$13,591.89.

**General** – A&B Business, \$259.12, supp; Action Mechanical, \$142.86, repair; Amazon, \$340.45, supp; Amcon Distributing, \$494.41, merch for resale; American Legal Services, \$115.84, prof fee; Avaya, \$36.39, util; A-Z Custom Contracting, \$8931.14, other; Baker & Taylor, \$404.15, supp; Andrew Barff, \$30.00, other; Barrows Electric, \$1120.84, other; Best Western Ramkota Inn, \$355.96, travel; BH Chemical, \$2295.04, supp; BH Power, \$360.98, util; Buckle Tree, \$261.79, supp; Budget Signs, \$275.00, supp; Jerry Burnham, \$2490.92, prof fee; CBH Cooperative, \$6.95, supp; Century Business, \$179.51, supp; Chain Saw Center, \$1398.50, supp; City of Sturgis Water Dept, \$4206.81, util; Dakota Party, \$59.80, travel; Dakota Supply Group, \$552.30, repair; Diesel Machinery, \$347.74, repair; Dodge Town, \$87.98, repair; Fastenal Co, \$26.73, repair; Fedex, \$66.00, supp; Fire Pro, \$303.05, repair; G&G Enterprises, \$112.50, merch for resale; Grocery Mart, \$259.89, other; Ken Grosch, \$30.00, other; Hauff Mid-America Sports, \$159.20, supp; Inland Truck Parts, \$56.00, repair; J&L Services, \$180.00, repair; Jade Equipment, \$3720.56, repair; Jenner Equipment, \$35.05, repair; Legends Sales & Marketing, \$4250.00, prof fee; Levi Littler, \$161.20, grp insur; Lynn's Dakotamart, \$275.59, supp; MB Tree & Landscape, \$2500.00, other; McLeod's Printing, \$366.44, supp; Menards, \$7.99, supp; Midcontinent Comm, \$42.18, util; Motionsoft, \$450.00, prof fee; Newman Traffic Signs, \$216.60, supp; Nohava's Custom Construction, \$2800.00, supp; Pizza Hut, \$156.18, other, travel; Polar Engraving, \$115.50, merch for resale; Power House, \$6.51, supp; Quill, \$27.99, supp; Rapid City Journal, \$36.00, supp; Rasmussen Mechanical, \$309.47, repair; Robert Sharp & Assoc, \$8857.00, prof fee; Rushmore Office, \$140.71, supp; Rushmore Safety Supplies, \$136.55, supp; S&C Cleaning, \$3100.00, maint; Schwans, \$40.58, merch for resale; Scott Peterson Motors, \$6000.00, other; SD Dept of Health, \$11,100.00, rally; SD Dept of Revenue, \$75.00, beer license; SD Federal Property, \$525.00, other; SD Public Assurance Alliance, \$311.32, insur; Sheehan Mack, \$83.35, repair; Short Construction, \$910.00, other; Dave Smith, \$74.79, supp; SMRI, \$24,365.35, other-rally; Christina Steele, \$15.44, travel-rally; Sturgis Harley Davidson, \$170.99, repair; Sturgis Police Reserves, \$424.12, supp; Think! Toner & Ink, \$105.77, supp; Tom's T's, \$558.10, supp; Two Wheeler Dealer, \$477.50, repair; Verizon, \$118.54, util; Weimer's Diner, \$106.90, other; Western Dakota Tech, \$95.00, other; Donald Whitehead, \$60.00, other; Kim Wilkins, \$40.00, refund; Wow! Business, \$2436.72, util.

**Special Sales Tax** – Chamber of Commerce, \$9823.48, chamber; SEDC, \$7750.00, ind dev.

**Capital Improvement** – Fourfront Design, \$5295.34, cap imp; Iverson Construction, \$165.00, cap imp; KT Connections, \$2397.33, cap imp; LPN Holdings, \$2151.77.

**Liquor** – BH Chemical, \$-49.96, repair; Cask & Cork, \$162.00, off sale liquor; Century Business, \$2.48, supp; City of Sturgis Water Dept, \$275.99, util; Colombe Maintenance, \$400.00, repair; Harriet Lolley, \$84.00, merch for resale; M&B Enterprises, \$122.20, snacks for resale; North Co Business Products, \$460.00, maint; One Way Service Pros, \$195.00, repair; Rosenbaum Sign, \$400.06, repair; Schade Vineyard, \$120.00, off sale liquor; Wow! Business, \$150.82, util.

**Water** – BH Power, \$121.43, util; Buckle Tree, \$81.63, supp; Century Business, \$.72, supp; City of Sturgis Water Dept, \$103.77, util; Tamera Even, \$713.53, travel; Utility Refund Vendors, \$820.53, customer deposit refund; Wells Fargo Corp, \$18,639.64, prin, int; WOW! Business, \$93.72, util.

**Wastewater** – BH Power, \$1827.69, util; Buckle Tree, \$23.42, supp; City of Sturgis Water Dept, \$18.63, util; Verizon, \$46.54, util; Wells Fargo Corp, \$150,811.61, prin, int.

**Sanitary Service** – BH Power, \$256.99, util; Buckle Tree, \$71.17, supp; Century Business, \$49.09, prof fee; Century Link, \$56.95, util; Fastenal Co, \$97.28, repair; Godfrey Brake, \$53.60,

repair; Northwest Peterbilt Co, \$67.84, repair; Powerplan, \$232.42, repair; Rapid City Journal, \$210.60, publ; Sanitation Products, \$419.94, repair; Whisler Bearing, \$14.47, repair.

**Ambulance** – BH Chemical, \$267.24, supp; Century Business, \$63.34, supp; City of Sturgis Water Dept, \$59.49, util; Diesel Machinery, \$301.74, repair; Lynn's Dakotamart, \$826.79, supp; NAAC, \$2190.00, prof fee; Regional Health, \$490.56, supp; Rockingtree Floral, \$32.20, supp; Verizon, \$22.02, util; Wow! Business, \$165.40, util.

**2002 Sewer Bond Fund** – Wells Fargo Brokerage, \$27,539.54, prin, int.

Motion by Waterland, second by Johnston and carried with Carstensen, Bachand, Bestgen, Johnston, Potts, Vasknetz and Waterland voting yes, Anderson and Hersrud abstaining, to approve the following claims: **General**- Anderson Construction, \$2938.78, other; **Sanitary Service**- Hersrud Co, \$1124.28, repair.

Motion by Hersrud, second by Waterland and carried with all members present voting yes to approve a Special Events License for the Knuckle Saloon at the Sturgis Liquor Holiday Open House on November 15 & December 6, 2013.

Motion by Johnston, second by Hersrud and carried with all members present voting yes to approve the following payroll changes: Ambulance Dept – Paramedic – Anthony Beaty, Nathan Deitschman, Brad Staton – part-time - \$17.00 (\$15 until orientation complete); EMT-Basic – Rachel Hobbs, Cory Nelson – part-time - \$12.00 (\$10 until orientation complete). Community Center Dept – Custodian part-time – Veronica Heimer - \$7.25. Recreation Dept – Referee – see attached listing - \$20/game. Police Dept – Patrol Officer – Dylan Siscoe – Change to Class B - \$19.10; Lee Smith – Change to Class A - \$19.26. Library Dept – Tech Aide – Brittney Eichler – part-time - \$8.00.

Motion by Bestgen, second by Johnston and carried with all members present voting yes to reconsider the distribution of the Cities \$15,000 charitable payment from the last meeting.

Motion by Waterland, second by Hersrud and carried with Anderson, Bachand, Carstensen, Hersrud, Johnston, Potts, Vasknetz and Waterland voting yes and Bestgen abstaining to distribute the \$15,000 to the local businesses owners and property owners that were impacted by the Atlas snowstorm.

Motion by Hersrud, second by Johnston and carried with Anderson, Bestgen, Carstensen, Hersrud, Johnston, Potts, Vasknetz and Waterland voting yes and Bachand voting no to take the \$15,000 out of Sponsorship/publishing line item.

Motion by Hersrud, second by Waterland and carried with all members present voting yes to approve second reading of Ordinance 2013-20 – Title 18 – Zoning.

## **ORDINANCE 2013-20**

### **AN ORDINANCE AMENDING TITLE 18– ZONING**

**BE IT ORDAINED** by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18–Zoning – Article II – Definitions; Article III – Zoning District and Map- Section 1 and 2; Article V – Supplementary Regulations applying to a Specific, to several or to all Districts- Section 4- Single Family Residential Low Density District- Section 5 – Minimum off Street Parking Requirements -Section 8 – Signs, Billboards; Article VII – Section 2 – Process for Uses on Review, Conditional Uses and Variances, Section 3 – Variances- Section 6 – Amendment Upon Applications by Property Owner is amended to read as follows:

**TITLE 18**  
**CITY OF STURGIS ZONING ORDINANCE**

**ARTICLE I - TITLE AND PURPOSES**

SECTION 1 – TITLE  
SECTION 2 - SHORT TITLE  
SECTION 3 - PURPOSES

**ARTICLE II – DEFINITIONS**

**ARTICLE III - ZONING DISTRICTS AND MAP**

SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS

Agricultural Zoning District (AG)  
Park Land  
Public Land  
General Residential (GR-1)  
General Residential 2 (R-2)  
Multi-Family Residential (R-3)  
Mobile Home 1 (MH-1)  
Mobile Home 2 (MH-2)  
General Commercial (GC-1)  
Retail Commercial (GC-2)  
Single Family Residential/Office Commercial (GC-3)  
Highway Service (HS)  
General Industrial (GI)  
Open Space (OS)  
Transitional Zoning District (NU)  
RV, Campground and Recreational Vehicle Park (RV)

SECTION 2 - ZONING MAP

SECTION 3 – SCOPE OF REGULATIONS

SECTION 4 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

**ARTICLE IV – DISTRICT REGULATIONS**

18.05.01	AG.1-Agricultural and Conservation District
18.05.02	Park Land Zoning
18.05.03	Public-Public Land Zoning District
18.05.04	R-1 single Family Residential Low Density District
18.05.05	R-2 One & Two Family Dwellings Moderate Density District
18.05.06	R-3 Multi-Family Dwellings, High Density District
18.05.07	MH-1 Manufactured Single Family-Homes, Moderate Density
18.05.08	MH-2 Manufactured Single Family-Homes, High Density
18.05.09	GC-1 General Commercial District
18.05.10	GC-2 Retail Commercial District
18.05.11	GC-3 Single Family Residential/Office Commercial District
18.05.12	HS-1 Highway Service
18.05.13	GI-1 General Industrial
18.05.14	OS-1 Open Space or Flood Plain District
18.05.15	NU Transitional District
18.05.16	FAIR-Fairgrounds District

18.05.17 RV-RV, Campground and Recreational Vehicle Park District

**Title 18.05.18 Temporary Camping at a Residence within the City**

- 18.05.18.01 Purpose
- 18.05.18.02 Definitions
- 18.05.18.03 Penalty
- 18.05.18.04 Activity Authorized
- 18.05.18.05 Density Limitations
- 18.05.18.06 Setback from Public Streets, Sidewalks and Lot Lines
- 18.05.18.07 Campsite Area
- 18.05.18.08 Parking
- 18.05.18.09 Soil and Ground Cover Requirements
- 18.05.18.10 Water Service and Plumbing
- 18.05.18.11 Electrical System
- 18.05.18.12 Wastewater Disposal, Gray Water Disposal and Portable Toilets
- 18.05.18.13 Toilet and Bathing Facilities
- 18.05.18.14 Fire Protection
- 18.05.18.15 Barbecue Pits, Fireplaces, Stoves and Cooking Fires
- 18.05.18.16 Garbage and Rubbish Storage, Disposal and Vermin Control
- 18.05.18.17 Reporting Communicable Disease
- 18.05.18.18 Pet Kennels and Control of Animals
- 18.05.18.19 Camping Cabins

**ARTICLE V – SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL OR TO ALL DISTRICTS**

**SECTION 1 – DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW**

- A. Planned Unit Development
- B. Churches, School, Libraries and Medical Facilities
- C. Mobile Home Parks
- D. Other Uses Permitted on Review
  - 1. Cemeteries
  - 2. Drive-in Theater
  - 3. Public and Private Utilities and Service
  - 4. Private Day Nurseries and Kindergartens
  - 5. Automobile Wrecking and Junk Yards
  - 6. Recreation Fads
  - 7. On-lot Sewage Disposal System

**SECTION 2 – ACCESSORY USES**

**SECTION 3 – HEIGHT**

**SECTION 4 – YARD, BUILDING SETBACK AND OPEN SPACE EXCEPTIONS**

**SECTION 5 – MINIMUM OFF-STREET PARKING REQUIREMENTS**

- A. Off-street parking requirements general
  - Table of Parking spaces required
- B. Off-street parking lot layout, construction and maintenance

**SECTION 6 – STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES**

**SECTION 7 – OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

**SECTION 8 – GASOLINE SERVICE STATIONS**

SECTION 9 – CUSTOMARY HOME OCCUPATION  
SECTION 10 – TEMPORARY USES  
SECTION 11 – TENTS  
SECTION 12 – SWIMMING POOLS  
SECTION 13 – LIGHTING  
SECTION 14 – DOWNTOWN OVERLAY DISTRICT

**ARTICLE VI – NONCONFORMING BUILDINGS, STRUCTURES AND USES OF  
LAND**

**ARTICLE VII – ADMINISTRATION AND ENFORCEMENT**

SECTION 1 – ORGANIZATION  
SECTION 2 – NOTICE PROCEDURE FOR APPLICATION FOR USES ON REVIEW,  
CONDITIONAL USE  
SECTION 3 – VARIANCES  
    A. Application  
    B. Public Hearing  
    C. Standards for Variances  
    D. Requirements for the granting of a variance  
    E. Court Review of Board  
SECTION 4 – CERTIFICATE OF OCCUPANCY  
SECTION 5 – PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW  
SECTION 6 – AMENDMENTS  
SECTION 7 – FEES  
SECTION 8 – PENALTIES  
SECTION 9 – VALIDITY  
SECTION 10 – CONFLICTS WITH OTHER LAWS  
SECTION 11 – REPEALER

**ARTICLE VIII – REGULATIONS CREATING FLOODWAY AND FLOODWAY  
FRINGE DISTRICTS, DEFINING THE SAME AND SETTING FORTH  
REGULATIONS THEREOF**

SECTION 1.0 – STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE  
AND OBJECTIVES  
    1.1 Statutory Authorization  
    1.2 Findings of Fact  
    1.3 Statement of Purpose  
    1.4 Methods of Reducing Flood Losses  
SECTION 2.0 – DEFINITIONS  
SECTION 3.0 – GENERAL PROVISIONS  
    3.1 Land to which this ordinance applies  
    3.2 Basis for establishing the areas of special flood hazard  
    3.3 Compliance  
    3.4 Abrogation and greater restrictions  
    3.5 Interpretation  
    3.6 Warning and disclaimer of liability  
SECTION 4.0 – ADMINISTRATION  
    4.1 Establishment of development permit  
    4.2 Designation of the administrator  
    4.3 Duties and responsibilities of the administrator

- 4.3.1 Permit review
    - 4.3.2 Use of other base flood data
    - 4.3.3 Information to be obtained and maintained
    - 4.3.4 Alteration of watercourses
    - 4.3.5 Interpretation of FIRM Boundaries
  - 4.4 Variance Procedure
    - 4.4.1 Appeal Board
    - 4.4.2 Conditions for Variances
- SECTION 5 – PROVISIONS FOR FLOOD HAZARD REDUCTION**
- 5.1 General Standards
    - 5.1.1 Anchoring
    - 5.1.2 Construction Materials and Methods
    - 5.1.3 Utilities
    - 5.1.4 Subdivision Proposals
  - 5.2 Specific Standards
    - 5.2.1 Residential Construction
    - 5.2.2 Non-residential Construction
    - 5.2.3 Manufactured Homes
  - 5.3 Floodways

## **ARTICLE IX – LANDSCAPE REGULATIONS**

SECTION 1 – PURPOSE AND OBJECTIVE

SECTION 2 – DEFINITIONS

SECTION 3 – APPLICABILITY

SECTION 4 – REQUIRED AMOUNT OF LANDSCAPE MATERIAL

SECTION 5 – GENERAL REQUIREMENTS – INSTALLATION

SECTION 6 – SITE DISTANCE FOR LANDSCAPING ADJACENT TO PUBLIC  
RIGHT-OF-WAYS AND POINTS OF ACCESS

SECTION 7 – SECURITY GUARANTEE

SECTION 8 – EXCEPTIONS

SECTION 9 – MAINTENANCE

SECTION 10 – PLAN APPROVAL

SECTION 11 – ENFORCEMENT

SECTION 12 – DESIGN CRITERIA STANDARDS

SECTION 13 - PENALTY

## **ARTICLE X - BUSINESS LICENSES**

- 18.10.01 Purpose
- 18.10.02 Definitions
- 18.10.03 License Required
- 18.10.04 Application-Issuance of Business License
- 18.10.05 Fee/ Term
- 18.10.06 Denial/ Revocation
- 18.10.07 Denial-Applicant right to appeal
- 18.10.08 Posting/ Inspection
- 18.10.09 Change of Location
- 18.10.10 Transfer
- 18.10.11 Prohibited Business Locations
- 18.10.12 Exemptions
- 18.10.13 Multiple Businesses

- |          |                                   |
|----------|-----------------------------------|
| 18.10.14 | Same Business- Multiple Locations |
| 18.10.15 | Penalty                           |

## **ARTICLE II – DEFINITIONS**

**Variance:** A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship, or when the relaxation of a restriction of the code , granted by the Board of Adjustment shall provide a quantifiable benefit to the City and the surrounding neighborhood of the parcel.

**Zoning Map:** The Zoning Map for the City of Sturgis, Meade County, South Dakota, as on file at the City Finance Office, initially dated January, 2001 including sections or portions thereof, adopted as part of this ordinance, together with all amendments, modifications and changes thereto subsequently adopted.

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## **ARTICLE III ZONING DISTRICTS AND MAP**

### **SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, the City of Sturgis is hereby divided into districts of sixteen (16) different types, each being of such number, shape kind and area and common unity of purpose and adaptability of use that are deemed most suitable to carry out the purpose of this ordinance.

The area of property lying within each district is shown on the Official Zoning map on file in the City Finance Office.

1. Agricultural Zoning District (AG)
2. Park Land
3. Public Land
4. General Residential (GR-1)
5. General Residential 2 (R-2)
6. Multi-Family Residential (R-3)
7. Mobile Home 1 (MH-1)
8. Mobile Home 2 (MH-2)
9. General Commercial (GC-1)
10. Retail Commercial (GC-2)
11. Single Family Residential/Office Commercial (GC-3)
12. Highway Service (HS)
13. General Industrial (GI)
14. Open Space (OS)
15. Transitional Zoning District (NU)

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### **SECTION 2 - ZONING MAP**



The location and boundaries of the zoning districts established by this Ordinance are denoted and defined as shown in the map entitled "Zoning Map of the City of Sturgis, Meade County, South Dakota", adopted the 12th day of February, 2001, and as subsequently amended, and certified by the City Finance Officer . The said map, together with everything shown thereon is hereby incorporated into this Ordinance as if fully set forth and described herein.

The Zoning Map shall be kept and maintained by the Finance Office and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

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**TITLE 18.05.04**  
**R-1 SINGLE FAMILY RESIDENTIAL LOW DENSITY DISTRICT**

**(D) AREA REGULATIONS:**

1. FRONT YARD: all lots shall have a minimum of not less than 25'-0" from property lines.
2. SIDE YARD: all interior lots shall have a minimum side yard of not less than 8'-0' from property lines. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have 1'-0" of side yard for each two (2) feet in eave height above finish grade.
3. SIDE YARD ON CORNER LOTS: all lots which have side yard abutting a street shall have a minimum yard setback of not less than 18'-0" from the property line.
4. REAR YARD: all lots shall have a minimum rear yard of not less than 25'-0" from property lines.
5. LOT WIDTH: all lots used in this zoning designation shall have a minimum lot width of not less than 75'.
6. LOT AREA: shall have a minimum area of not less than 7,000 sq. ft.
7. MAXIMUM LOT COVERAGE: all lots shall not have more than 35% of its total area covered by permanent structures.

**(H) TOWNHOME REGULATIONS**

The following regulations shall apply to any lot containing townhomes.

**1. AREA REGULATIONS:**

FRONT YARD: All lots shall have a minimum of not less than 25'-0" from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less the 8'-0" from the side property line to the structure. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have 1'-0" of side yard for each two (2) feet of eave height above finished grade.

SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than 18'-0" from the property line to the structure.

REAR YARD: All lots shall have a minimum rear yard of not less than 25'-0" from the property line to the primary residential structure.

LOT WIDTH: All lots shall have a minimum lot width of not less than 37'-0".

LOT AREA: All lots shall have a minimum lot area of not less than 5000 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total lot area covered by permanent structures.

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## **ARTICLE V**

### **SECTION 5 - MINIMUM OFF-STREET PARKING REQUIREMENTS**

#### **A. OFF-STREET PARKING REQUIREMENTS GENERAL:**

In all districts, except that portion of the General Commercial District described as follows:  
(As illustrated on the zoning map on file at the City of Sturgis Finance Office.)

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(Signs, Billboards and Other Advertising Structures Section Transferred to Title 30 of Sturgis City Ordinances.)

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## **ARTICLE VII – ADMINISTRATION AND ENFORCEMENT**

### SECTION 1 – ORGANIZATION

### SECTION 2 – NOTICE PROCEDURE FOR APPLICATION FOR USES ON REVIEW, CONDITIONAL USES AND VARIANCES

### SECTION 3– VARIANCES

- A. Application
- B. Public Hearing
- C. Standards for Variances
- D. Requirements for the granting of a variance
- E. Court Review of Board

### SECTION 4 – CERTIFICATE OF OCCUPANCY

### SECTION 5 – PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW

### SECTION 6 – AMENDMENTS

### SECTION 7 – FEES

### SECTION 8 – PENALTIES

### SECTION 9 – VALIDITY

### SECTION 10 – CONFLICTS WITH OTHER LAWS

### SECTION 11 – REPEALER

### **SECTION 2 – NOTICE PROCEDURE FOR APPLICATION FOR USES ON REVIEW, CONDITIONAL USES AND VARIANCES**

Any applicant for a use on review, conditional use or variance shall complete the necessary forms provided by the City Manager or his or her designee. Upon the completion of all required materials, the City shall provide a written notice of the applicant's intentions and an analysis of the impact of the proposal to owners of all parcels located within the area required to receive

notice. The notice shall include the scheduled date when the item shall be discussed at the Planning and Zoning Commission. The notice shall state that any recipient opposed to the proposed application should notify the City of Sturgis, and that without giving notice as directed to the City of their objection, the property owner will be understood to have no objection to the application. In addition to the application fee, the applicant shall be responsible at the time of submitting the application for payment of the cost of notice by certified mail to all required parcels as well as an administrative fee of 10% of the cost of notice by certified mail.

### **SECTION 3 – VARIANCES**

#### **B. PUBLIC HEARING:**

"Upon receipt of an application and fee, the Board shall give notice of public hearing within thirty five (35) days. Such notice of the time place of such hearing shall be published in the legal newspaper of the City ten (10) days prior to that public hearing. The Board shall consider and decide all applications for variance within thirty (30) days of such public hearing and in accordance with the standards provided below."

#### **C. STANDARDS FOR VARIANCES:**

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or when the relaxation of a restriction of the code, granted by the Board of Adjustment shall provide a quantifiable benefit to the City and the surrounding neighborhood of the parcel) are fully described in the finding of the Board.

### **SECTION 6 - AMENDMENTS UPON APPLICATION BY PROPERTY OWNER**

The regulations, restrictions, boundaries and options set forth in this Ordinance may be amended, supplemented, revised or repealed from time to time as conditions warrant, upon application by the property owner and subject to the following conditions:

#### **A. APPLICATIONS:**

An application for an amendment shall be filed with the City Office of Planning and Permitting. The above mentioned application shall be obtained from the office of Planning and Permitting and when completed and submitted shall demonstrate written consent of property owners constituting at least sixty percent (60%) of the total assessed value of all the property located within 150 feet from any part of such proposed amended district. The required notice distance shall not include intervening streets and alleys or other public property.

#### **B. PUBLIC HEARING:**

Upon receiving the application, the Planning and Zoning Commission shall file with the governing body, a preliminary report and shall hold hearings, notice of which shall be published in a manner to allow the public hearing to be held one week prior to the date of making the preliminary report to the governing body.

The governing body may adopt any changes in the regulations, restrictions or boundaries after having published notice of hearing at least one week prior to the date of adoption of any amendments in the ordinance as notice of the time and place where all persons interested shall be given a full, fair and complete hearing. The ordinance, if adopted, shall be adopted as other ordinances with the same publications requirements.

C. TIME LIMIT:

The report of the Planning and Zoning Commission regarding any such proposed amendment upon application shall be submitted to the governing body within thirty (30) days of the public hearing before the Planning and Zoning Commission.

D. STANDARDS FOR AMENDMENTS UPON APPLICATION:

THE FOLLOWING CONDITIONS SHALL BE MET FOR ALL AMENDMENTS:

A. The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected.

B. The proposed amendment shall be consistent with the intent and purposes of this ordinance.

C. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from such amendment.

D. The proposed amendment shall be consistent with the comprehensive plan as adopted by the City of Sturgis, including, but not limited to, the major road plan, land use plan, community facilities plan and other portions of the comprehensive plan.

Dated this 4<sup>th</sup> day of November, 2013.

First reading: 10/21/2013

Second reading: 11/4/2013

Adopted: 11/4/2013

Published: 11/13/2013

Effective: 12/04/2013

Motion by Hersrud, second by Potts and carried with Anderson, Bachand, Bestgen, Hersrud, Johnston, Potts, Vasknetz and Waterland voting yes, Carstensen abstaining, to approve Use of City Property by Scott Peterson Motors to place a temporary sign on the property at Exit 32.

The following two bids were received for 1200 hay bales: Tanse Herrmann - \$3012 at \$2.51 a bale and Joe DesJarlais - \$3.00 a bale but only wanted 10 bales (this bid was thrown out as it was to be for 1200 bales). Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve the bid from Tanse Herrmann for \$2.51 a bale.

Johnston left meeting at 7:25 pm.

Motion by Bachand, second by Hersrud and carried with all members present voting yes to approve first reading of Ordinance 2013-22 – Title 12 – General Nuisances – Regulation of

Sexually Oriented Performances & Performers. The Council asked that the Ordinance Committee look at the fees for 2nd reading.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve first reading of Ordinance 2013-23 – Title 31 – Licensing of Temporary Businesses. The Council asked that the Ordinance Committee look at the fees for the map, a better definition for the vendor area, and different language for recording the receipt of money for 2<sup>nd</sup> reading.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve first reading of Ordinance 2013-21 – Supplemental Annual Appropriations for 2013.

Bachand introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-64**  
**RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property:

A PLAT OF Lots 6R and 7R in Block 5 of Palisades Subdivision, Formerly Lots 6 and 7 in Block 5 of Palisades Subdivision, Located in the S1/2NW1/4NW1/4 of Section 16, T.5N., R.5E., B.H.M., City of Sturgis, Meade County, South Dakota

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 4th day of November, 2013.

Published: 11/13/2013

Effective: 12/04/2013

Vasknetz seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Bestgen introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-65**  
**RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property:

A PLAT OF LOT 5H2 REVISED & LOT 5H3 REVISED OF HURLEY SUBDIVISION,  
Formerly Lot 5H2 and Lot 5H3 of Hurley Subdivision, Located in the N1/2NW1/4 of Section 16  
T.5N., R.5E., B.H.M., City of Sturgis, Meade County, South Dakota

**WHEREAS**, said plat meets the requirements of the statutes in all things, now  
therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that  
the within and foregoing plat is hereby approved.

Dated this 4th day of November, 2013.

Published: 11/13/2013

Effective: 12/04/2013

Hersrud seconded the motion for the adoption of the foregoing resolution with all members  
present voting yes and the resolution was declared passed and adopted.

Potts introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-66**  
**RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within  
the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the  
same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common  
Council of the City of Sturgis a plat of the following described real property:

A Plat of Lots 38R and 39R of Murray Tract # 1, Formerly Lots 38 and 39 of Murray Tract #1,  
Located in the NW1/4SW1/4, Section 9, T.5N., R.5E., B.H.M., City of Sturgis, Meade County,  
South Dakota

**WHEREAS**, said plat meets the requirements of the statutes in all things, now  
therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that  
the within and foregoing plat is hereby approved.

Dated this 4th day of November, 2013.

Published: 11/13/2013

Effective: 12/04/2013

Anderson seconded the motion for the adoption of the foregoing resolution with all members  
present voting yes and the resolution was declared passed and adopted.

Any other business:

Mayor Carstensen wanted it noted that Scott Petersen will not be taking any of the donation  
money.

Motion by Waterland, second by Bachand and carried with all members present voting yes to go into executive session for personnel and contracts at 8:22 pm.

Councilor Hersrud did not go into executive session.

Motion by Vasknetz, second by Potts and carried with all members present voting yes to return to regular session at 9:15 pm.

Motion by Potts, second by Bestgen and carried with all members present voting yes to authorize the City Manager to sign the employment contracts with the City Attorney and the Finance Officer when they are in final form,

Motion by Waterland, second by Vasknetz and carried with all members present voting yes to approve increasing SEDC monthly payment \$1500 for 36 months, not to exceed \$54,000.

Motion by Bestgen, seconded by Anderson and carried with all members present voting yes to adjourn the meeting at 9:20 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$